

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:	)	Group Art Unit: 1635
	)	
BECKER <i>et al.</i>	)	Examiner: Lacourciere, K.
	)	
Serial No. 09/523,237	)	Confirmation No. 5771
	)	
Filed: March 10, 2000	)	Atty. Docket No. GP068-03.CN1
	)	
For: KITS FOR AMPLIFYING TARGET	)	VIA FACSIMILE
NUCLEIC ACID SEQUENCES USING	)	
MODIFIED OLIGONUCLEOTIDES	)	

**TERMINAL DISCLAIMER**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Gen-Probe Incorporated, the owner of 100% interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,130,038. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,130,038 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,130,038, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,130,038 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has

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## TERMINAL DISCLAIMER

Continuation Application of:  
Serial No. 09/168,947  
Atty. Docket No. GP017-09.CN6

all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Please charge the fee due under 37 C.F.R. § 1.20(d), and any other fee which may be due, to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

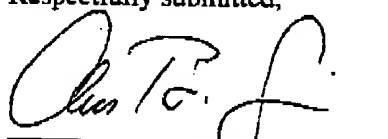
Certificate of Transmission

I hereby certify that this correspondence (and any referred to as attached) is being sent by facsimile to 703-746-5206 on the date indicated below to the Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,

Date: September 17, 2002

By:



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